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2D SESSION

H. R. 5138

To protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child sex offender is seeking to enter the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2010

Mr. SMITH of New Jersey (for himself, Mr. PAYNE, Ms. ROS-LEHTINEN, Mr. DANIEL E. LUNGREN of California, Mr. CRENSHAW, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. FORTENBERRY, Mr. POE of Texas, Mr. LANCE, Mr. ADERHOLT, Mr. UPTON, Mr. PITTS, Mr. KING of New York, Mr. WOLF, Mrs. SCHMIDT, Mr. PASCRELL, and Mr. DAVIS of Tennessee) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest registered sex offenders outside the United States to the government of the country of destination, requesting foreign govern-

ments to notify the United States when a known child sex offender is seeking to enter the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “International Megan’s Law of 2010”.

6 (b) TABLE OF CONTENTS.—The table of contents for
 7 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and declaration of purposes.
- Sec. 3. Definitions.
- Sec. 4. Sex offender travel reporting requirement.
- Sec. 5. Foreign registration requirement for sex offenders.
- Sec. 6. International Sex Offender Travel Center.
- Sec. 7. Center Sex Offender Travel Guidelines.
- Sec. 8. Authority to restrict passports.
- Sec. 9. Immunity for good faith conduct.
- Sec. 10. Sense of Congress provisions.
- Sec. 11. Enhancing the minimum standards for the elimination of trafficking.
- Sec. 12. Special report on international mechanisms related to traveling child sex offenders.
- Sec. 13. Assistance to foreign countries to meet minimum standards for the elimination of trafficking.
- Sec. 14. Congressional reports.
- Sec. 15. Authorization of appropriations.

8 **SEC. 2. FINDINGS AND DECLARATION OF PURPOSES.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) Megan Nicole Kanka, who was 7 years old,
 11 was abducted, sexually assaulted, and murdered in
 12 1994, in the State of New Jersey by a violent pred-
 13 ator living across the street from her home. Unbe-
 14 knownst to Megan Kanka and her family, he had

1 been convicted previously of a sex offense against a
2 child.

3 (2) In 1996, Congress adopted Megan’s Law
4 (Public Law 104–145) as a means to encourage
5 States to protect children by identifying the where-
6 abouts of sex offenders and providing the means to
7 monitor their activities.

8 (3) The sexual exploitation of minors is a global
9 phenomenon. The International Labour Organiza-
10 tion estimates that 1.8 million children worldwide
11 are exploited each year through prostitution and
12 pornography.

13 (4) According to End Child Prostitution, Child
14 Pornography and Trafficking in Children for Sexual
15 Purposes (ECPAT International), all children are
16 adversely affected by being commercially sexually ex-
17 ploited. Commercial sexual exploitation can result in
18 serious, lifelong, even life-threatening consequences
19 for the physical, psychological, spiritual, emotional
20 and social development and well-being of a child.

21 (5) ECPAT International reports that children
22 who are commercially sexually exploited are at great
23 risk of contracting HIV or AIDS and are unlikely to
24 receive adequate medical care. These children are
25 also at great risk of further physical violence—those

1 who make an attempt to escape or counter their
2 abuse may be severely injured or killed. The psycho-
3 logical effects of child sexual exploitation and threats
4 usually plague the victims for the rest of their lives.

5 (6) ECPAT International further reports that
6 children who have been exploited typically report
7 feelings of shame, guilt, and low self-esteem. Some
8 children do not believe they are worthy of rescue;
9 some suffer from stigmatization or the knowledge
10 that they were betrayed by someone whom they had
11 trusted; others suffer from nightmares, sleepless-
12 ness, hopelessness, and depression—reactions similar
13 to those exhibited in victims of torture. To cope,
14 some children attempt suicide or turn to substance
15 abuse. Many find it difficult to reintegrate success-
16 fully into society once they become adults.

17 (7) According to ECPAT International, child
18 sex tourism is a specific form of child prostitution
19 and is a developing phenomenon. Child sex tourism
20 is defined as the commercial sexual exploitation of
21 children by people who travel from one place to an-
22 other and there engage in sexual acts with minors.
23 This type of exploitation can occur anywhere in the
24 world and no country or tourism destination is im-
25 mune.

1 (8) According to research conducted by The
2 Protection Project of The Johns Hopkins University
3 Paul H. Nitze School of Advanced International
4 Studies, sex tourists from the United States who
5 target children form a significant percentage of child
6 sex tourists in some of the most significant destina-
7 tion countries for child sex tourism.

8 (9) According to the National Center for Miss-
9 ing and Exploited Children (NCMEC), most victims
10 of sex offenders are minors.

11 (10) Media reports indicate that known sex of-
12 fenders who have committed crimes against children
13 are traveling internationally, and that the criminal
14 background of such individuals may not be known to
15 local law enforcement prior to their arrival. For ex-
16 ample, in April 2008, a United States registered sex
17 offender received a prison sentence for engaging in
18 illicit sexual activity with a 15-year-old United
19 States citizen girl in Ciudad Juarez, Chihuahua,
20 Mexico in exchange for money and crack cocaine.

21 (11) U.S. Immigration and Customs Enforce-
22 ment (ICE) has taken a leading role in the fight
23 against the sexual exploitation of minors abroad, in
24 cooperation with other United States agencies, law
25 enforcement from other countries, INTERPOL, and

1 nongovernmental organizations. In addition to dis-
2 covering evidence of and investigating child sex
3 crimes, ICE has provided training to foreign law en-
4 forcement and NGOs, as appropriate, for the pre-
5 vention, detection, and investigation of cases of child
6 sexual exploitation.

7 (12) Between 2003 and 2009, ICE obtained 73
8 convictions of individuals from the United States
9 charged with committing sexual crimes against mi-
10 nors in other countries.

11 (13) While necessary to protect children and
12 rescue victims, the detection and investigation of
13 child sex predators overseas is costly. Such an un-
14 dercover operation can cost approximately \$250,000.
15 A system that would aid in the prevention of such
16 crimes is needed to safeguard vulnerable populations
17 and to reduce the cost burden of addressing crimes
18 after they are committed.

19 (14) Sex offenders are also attempting to enter
20 the United States. In April 2008, a lifetime reg-
21 istered sex offender from the United Kingdom at-
22 tempted to enter the United States with the inten-
23 tion of living with a woman who he had met on the
24 Internet and her young daughters. Interpol London
25 notified Interpol United States National Central Bu-

1 reau (USNCB) about the sex offender’s status.
2 Interpol USNCB notified the United States Customs
3 and Border Protection officers, who refused to allow
4 the sex offender to enter the country.

5 (15) Foreign governments need to be encour-
6 aged to notify the United States as well as other
7 countries when a known sex offender is entering our
8 borders. For example, Canada has a national sex of-
9 fender registry, but Canadian officials do not notify
10 United States law enforcement when a known sex of-
11 fender is entering the United States unless the sex
12 offender is under investigation.

13 (16) Child sex tourists may travel overseas to
14 commit sexual offenses against minors for the fol-
15 lowing reasons: perceived anonymity; law enforce-
16 ment in certain countries is perceived as scarce, cor-
17 rupt, or unsophisticated; perceived immunity from
18 retaliation because the child sex tourist is a United
19 States citizen; the child sex tourist has the financial
20 ability to impress and influence the local population;
21 the child sex tourist can “disappear” after a brief
22 stay; the child sex tourist can target children meet-
23 ing their desired preference; and, there is no need to
24 expend time and effort “grooming” the victim.

1 (17) Individuals who have been arrested in and
2 deported from a foreign country for sexually exploit-
3 ing children have used long-term passports to evade
4 return to their country of citizenship where they
5 faced possible charges and instead have moved to a
6 third country where they have continued to exploit
7 and abuse children.

8 (18) The United States is obligated under Arti-
9 cle 10 of the Optional Protocol to the Convention on
10 the Rights of the Child on the Sale of Children,
11 Child Prostitution and Child Pornography to, among
12 other things, take all necessary steps to strengthen
13 international cooperation by multilateral, regional,
14 and bilateral arrangements for the prevention and
15 detection of those responsible for acts involving the
16 sale of children, child prostitution, child pornog-
17 raphy, and child sex tourism. The United States also
18 is required to promote international cooperation and
19 coordination between authorities of other States
20 Parties to the Convention, national and international
21 nongovernmental organizations and international or-
22 ganizations to achieve these objectives.

23 (19) Article 10 of the Optional Protocol to the
24 Convention on the Rights of the Child on the Sale
25 of Children, Child Prostitution and Child Pornog-

1 raphy further mandates that the United States and
2 other States Parties in a position to do so provide
3 financial, technical, or other assistance through ex-
4 isting multilateral, regional, bilateral, or other pro-
5 grams.

6 (20) In order to protect children, it is essential
7 that United States law enforcement be able to iden-
8 tify high risk child sex offenders in the United
9 States who are traveling abroad and child sex of-
10 fenders from other countries entering the United
11 States. Such identification requires cooperative ef-
12 forts between the United States and foreign govern-
13 ments. In exchange for providing notice of sex of-
14 fenders traveling to the United States, foreign au-
15 thorities will expect United States authorities to pro-
16 vide reciprocal notice of sex offenders traveling to
17 their countries.

18 (21) ICE and other Federal law enforcement
19 agencies currently are sharing information about sex
20 offenders traveling internationally with law enforce-
21 ment entities in some other countries on an ad hoc
22 basis through INTERPOL and other means. The
23 technology to detect and notify foreign governments
24 about travel by child sex offenders is available, but
25 a legal structure and additional resources are needed

1 to systematize and coordinate these detection and
2 notice efforts.

3 (22) Officials from the United Kingdom, Aus-
4 tralia, Spain, and other countries have expressed in-
5 terest in working with the United States Govern-
6 ment for increased international cooperation to pro-
7 tect children from sexual exploitation, and are call-
8 ing for formal arrangements to ensure that the risk
9 posed by traveling sex offenders is combated most
10 effectively.

11 (23) The United States, with its international
12 law enforcement relations, technological and commu-
13 nications capability, and established sex offender
14 registry system, should now take the opportunity to
15 lead the global community in the effort to save thou-
16 sands of potential child victims by notifying other
17 countries of travel by sex offenders who pose a high
18 risk of exploiting children, maintaining information
19 about sex offenders from the United States who re-
20 side overseas, and strongly encouraging other coun-
21 tries to undertake the same measures to protect chil-
22 dren around the world.

23 (b) DECLARATION OF PURPOSES.—The purpose of
24 this Act and the amendments made by this Act is to pro-
25 tect children from sexual exploitation by preventing or

1 monitoring the international travel of sex traffickers and
2 other sex offenders who pose a risk of committing a sex
3 offense against a minor while traveling by—

4 (1) establishing a system in the United States
5 to notify the appropriate officials of other countries
6 when a sex offender who is identified as a high in-
7 terest registered sex offender intends to travel to
8 their country;

9 (2) strongly encouraging and assisting foreign
10 governments to establish a sex offender travel notifi-
11 cation system and to inform United States authori-
12 ties when a sex offender intends to travel or has de-
13 parted on travel to the United States;

14 (3) establishing and maintaining non-public sex
15 offender registries in United States diplomatic and
16 consular missions in order to maintain critical data
17 on United States citizen and lawful permanent resi-
18 dent sex offenders who are residing abroad;

19 (4) providing the Secretary of State with the
20 discretion to revoke the passport or passport card of
21 an individual who has been convicted overseas for a
22 sex offense against a minor, or limit the period of
23 validity of a passport or passport card issued to a
24 high interest registered sex offender;

1 (5) including whether a country is investigating
2 and prosecuting its nationals suspected of engaging
3 in severe forms of trafficking in persons abroad in
4 the minimum standards for the elimination of
5 human trafficking under section 108 of the Traf-
6 ficking Victims Protection Act of 2000 (22 U.S.C.
7 7101 et seq.);

8 (6) mandating a report from the Secretary of
9 State, in consultation with the Attorney General,
10 about the status of international notifications be-
11 tween governments about child sex offender travel;
12 and

13 (7) providing assistance to foreign countries
14 under section 134 of the Foreign Assistance Act of
15 1961 (22 U.S.C. 2152d) to establish systems to
16 identify sex offenders and provide and receive notifi-
17 cation of child sex offender international travel.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—Except as otherwise provided, the term “ap-
22 propriate congressional committees” means—

23 (A) the Committee on Foreign Affairs and
24 the Committee on the Judiciary of the House of
25 Representatives; and

1 (B) the Committee on Foreign Relations
2 and the Committee on the Judiciary of the Sen-
3 ate.

4 (2) CENTER.—The term “Center” means the
5 International Sex Offender Travel Center established
6 pursuant to section 6(a).

7 (3) CONVICTED AS EXCLUDING CERTAIN JUVENILE
8 ADJUDICATIONS.—The term “convicted” or a
9 variant thereof, used with respect to a sex offense of
10 a minor, does not include—

11 (A) adjudicated delinquent as a juvenile
12 for that offense; or

13 (B) convicted as an adult for that offense,
14 unless the offense took place after the offender
15 had attained the age of 14 years and the con-
16 duct upon which the conviction took place was
17 comparable to or more severe than aggravated
18 sexual abuse (as described in section 2241 of
19 title 18, United States Code), or was an at-
20 tempt or conspiracy to commit such an offense.

21 (4) HIGH INTEREST REGISTERED SEX OF-
22 FENDER.—The term “high interest registered sex of-
23 fender” means a sex offender as defined under para-
24 graph (8) who the Center, pursuant to section 7 and
25 based on the totality of the circumstances, has a

1 reasonable belief presents a high risk of committing
2 a sex offense against a minor in a country to which
3 the sex offender intends to travel.

4 (5) JURISDICTION.—The term “jurisdiction”
5 means any of the following:

6 (A) A State.

7 (B) The District of Columbia.

8 (C) The Commonwealth of Puerto Rico.

9 (D) Guam.

10 (E) American Samoa.

11 (F) The Northern Mariana Islands.

12 (G) The United States Virgin Islands.

13 (H) A federally recognized Indian tribe
14 that maintains a sex offender registry, or an-
15 other jurisdiction to which an Indian tribe has
16 delegated the function of maintaining a sex of-
17 fender registry on its behalf.

18 (I) A United States diplomatic or consular
19 mission that maintains a sex offender registry
20 pursuant to section 5 of this Act.

21 (6) MINOR.—The term “minor” means an indi-
22 vidual who has not attained the age of 18 years.

23 (7) PASSPORT CARD.—The term “passport
24 card” means a document issued by the Department
25 of State pursuant to section 7209 of the Intelligence

1 Reform and Terrorism Prevention Act of 2004
2 (Public Law 108–458; 8 U.S.C. 1185 note).

3 (8) SEX OFFENDER.—Except as provided in
4 sections 12 and 13, the term “sex offender” means
5 a United States citizen or lawful permanent resident
6 who is convicted of a sex offense as defined in this
7 Act, including a conviction by a foreign court, and
8 who is legally required to register with a jurisdiction.

9 (9) SEX OFFENSE.—

10 (A) IN GENERAL.—The term “sex offense”
11 means a criminal offense against a minor, in-
12 cluding any Federal offense, that is punishable
13 by statute by more than one year of imprison-
14 ment and involves any of the following:

15 (i) Solicitation to engage in sexual
16 conduct.

17 (ii) Use in a sexual performance.

18 (iii) Solicitation to practice prostitu-
19 tion (whether for financial or other forms
20 of remuneration).

21 (iv) Video voyeurism as described in
22 section 1801 of title 18, United States
23 Code.

24 (v) Possession, production, or dis-
25 tribution of child pornography.

1 (vi) Criminal sexual conduct involving
2 a minor, or the use of the Internet to fa-
3 cilitate or attempt such conduct.

4 (vii) Conduct that would violate sec-
5 tion 1591 (relating to sex trafficking of
6 children or by force, fraud, or coercion) of
7 title 18, United States Code, if the conduct
8 had involved interstate or foreign com-
9 merce and where the person recruited, en-
10 ticed, harbored, transported, provided, or
11 obtained had not attained the age of 18
12 years at the time of the conduct.

13 (viii) Any other conduct that by its
14 nature is a sex offense against a minor.

15 (B) EXCEPTIONS.—The term “sex of-
16 fense” does not include—

17 (i) a foreign conviction, unless the
18 conviction was obtained with sufficient
19 safeguards for fundamental fairness and
20 due process for the accused; or

21 (ii) an offense involving consensual
22 sexual conduct if the victim was at least 13
23 years old and the offender was not more
24 than 4 years older than the victim.

1 (C) SPECIAL RULE FOR DETERMINING
2 WHETHER SUFFICIENT SAFEGUARDS EXIST.—
3 For the purposes of subparagraph (B)(i), com-
4 pliance with the guidelines or regulations estab-
5 lished under section 112 of the Sex Offender
6 Registration and Notification Act (42 U.S.C.
7 16911) creates a rebuttable presumption that
8 the conviction was obtained with sufficient safe-
9 guards for fundamental fairness and due proc-
10 ess for the accused.

11 **SEC. 4. SEX OFFENDER TRAVEL REPORTING REQUIRE-**
12 **MENT.**

13 (a) DUTY TO REPORT.—

14 (1) IN GENERAL.—A sex offender who is a
15 United States citizen or alien lawfully admitted to
16 the United States for permanent residence shall no-
17 tify a jurisdiction where he or she is registered as
18 a sex offender of his or her intention to travel either
19 from the United States to another country or from
20 another country to the United States, subject to sub-
21 section (f) and in accordance with the rules issued
22 under subsection (b). The sex offender shall provide
23 notice—

24 (A) not later than 30 days before depar-
25 ture from or arrival in the United States; or

1 (B) in individual cases in which the Center
2 determines that a personal or humanitarian
3 emergency, business exigency, or other situation
4 renders the deadline in subparagraph (A) to be
5 impracticable or inappropriate, as early as pos-
6 sible.

7 (2) TRANSMISSION OF NOTICE FROM THE JU-
8 RISDICTION TO THE CENTER.—A jurisdiction so no-
9 tified pursuant to paragraph (1) shall transmit such
10 notice to the Center within 24 hours or the next
11 business day, whichever is later, of receiving such
12 notice.

13 (3) PERIOD OF REPORTING REQUIREMENT.—
14 The duty to report required under paragraph (1)
15 shall take effect on the date that is 425 days after
16 the date of the enactment of this Act or after a sex
17 offender has been duly notified of the duty to report
18 pursuant to subsection (d), whichever is later, and
19 terminate at such time as the sex offender is no
20 longer required to register in any jurisdiction for a
21 sex offense.

22 (4) NOTICE TO JURISDICTIONS.—Not later than
23 395 days after the date of the enactment of this Act,
24 the Center shall provide notice to all jurisdictions of
25 the requirement to receive notifications regarding

1 travel from sex offenders and the means for inform-
2 ing the Center about such travel notifications pursu-
3 ant to paragraph (1).

4 (b) RULES FOR REPORTING.—Not later than one
5 year after the date of the enactment of this Act, the Sec-
6 retary of Homeland Security, in coordination with the At-
7 torney General and the Secretary of State, shall issue
8 rules to carry out subsection (a) in accordance with the
9 purposes of this Act. Such rules—

10 (1) shall establish procedures for reporting
11 under subsection (a), including the method of pay-
12 ment and transmission of any fee to United States
13 Immigration and Customs Enforcement (ICE) pur-
14 suant to subsection (c);

15 (2) shall set forth the information required to
16 be reported, including—

17 (A) complete name(s);

18 (B) address of residence and home and cel-
19 lular numbers;

20 (C) all e-mail addresses;

21 (D) date of birth;

22 (E) social security number;

23 (F) citizenship;

24 (G) passport or passport card number and
25 date and place of issuance;

1 (H) alien registration number, where appli-
2 cable;

3 (I) information as to the nature of the sex
4 offense conviction;

5 (J) jurisdiction of conviction;

6 (K) travel itinerary, including the antici-
7 pated length of stay at each destination, and
8 purpose of the trip;

9 (L) if a plane ticket or other means of
10 transportation has been purchased, prior to the
11 submission of this information, the date of such
12 purchase;

13 (M) whether the sex offender is traveling
14 alone or as part of a group; and

15 (N) contact information prior to departure
16 and during travel; and

17 (3) in consultation with the jurisdictions, shall
18 provide appropriate transitional provisions in order
19 to make the phase-in of the requirements of this Act
20 practicable.

21 (c) FEE CHARGE.—ICE is authorized to charge a sex
22 offender a fee for the processing of a notice of intent to
23 travel submitted pursuant to subsection (a)(1). Such fee—

24 (1) shall initially not exceed the amount of \$25;

1 (2) may be increased thereafter not earlier than
2 30 days after consultation with the appropriate con-
3 gressional committees;

4 (3) shall be collected by the jurisdiction at the
5 time that the sex offender provides the notice of in-
6 tent to travel;

7 (4) shall be waived if the sex offender dem-
8 onstrates to the satisfaction of ICE, pursuant to a
9 fee waiver process established by ICE, that the pay-
10 ment of such fee would impose an undue financial
11 hardship on the sex offender;

12 (5) shall be used only for the activities specified
13 in sections 4, 6, and 7; and

14 (6) shall be shared equitably with the jurisdic-
15 tion that processes the notice of intent to travel.

16 (d) CRIMINAL PENALTY FOR FAILURE TO REGISTER
17 OR REPORT.—

18 (1) NEW OFFENSE.—Section 2250 of title 18,
19 United States Code, is amended by adding at the
20 end the following:

21 “(d) Whoever knowingly fails to register with United
22 States officials in a foreign country or to report his or
23 her travel to or from a foreign country, as required by
24 the International Megan’s Law of 2010, after being duly

1 notified of the requirements shall be fined under this title
2 or imprisoned not more than 10 years, or both.”.

3 (2) AMENDMENT TO HEADING OF SECTION.—

4 The heading for section 2250 of title 18, United
5 States Code, is amended by inserting “**or report**
6 **international travel**” after “**register**”.

7 (3) CONFORMING AMENDMENT TO AFFIRMA-
8 TIVE DEFENSE.—Section 2250(b) of title 18, United
9 States Code, is amended by inserting “or (d)” after
10 “(a)”.

11 (4) CONFORMING AMENDMENT TO FEDERAL
12 PENALTIES FOR VIOLENT CRIMES.—Section 2250(c)
13 of title 18, United States Code, is amended by in-
14 serting “or (d)” after “(a)” each place it appears.

15 (5) CLERICAL AMENDMENT.—The item relating
16 to section 2250 in the table of sections at the begin-
17 ning of chapter 109B of title 18, United States
18 Code, is amended by inserting “or report inter-
19 national travel” after “register”.

20 (e) DUTY TO NOTIFY SEX OFFENDERS OF REPORT-
21 ING AND INTERNATIONAL REGISTRATION REQUIRE-
22 MENT.—

23 (1) IN GENERAL.—When an official is required
24 under the law of a jurisdiction or under the rules es-
25 tablished pursuant to subsection (b) to notify a sex

1 offender (as defined in section 3(8)) of a duty to
2 register as a sex offender under the law of such ju-
3 risdiction, the official shall also, at the same time—

4 (A) notify the offender of such offender’s
5 duties to report international travel under this
6 section and to register as a sex offender under
7 section 5, and the procedure for fulfilling such
8 duties; and

9 (B) require such offender to read and sign
10 a form stating that such duties to report and
11 register, and the procedure for fulfilling such
12 duties, have been explained and that such of-
13 fender understands such duties and such proce-
14 dure.

15 (2) SEX OFFENDERS CONVICTED IN FOREIGN
16 COUNTRIES.—When a United States citizen or law-
17 ful permanent resident is convicted in a foreign
18 country of a sex offense and the United States diplo-
19 matic or consular mission in such country is in-
20 formed of such conviction, such diplomatic or con-
21 sular mission shall—

22 (A) notify such sex offender of such of-
23 fender’s duties to report travel to the United
24 States and to register as a sex offender under

1 this Act and the procedure for fulfilling such
2 duties; and

3 (B) require such offender to read and sign
4 a form stating that such duties to report and
5 register, and the procedure for fulfilling such
6 duties, have been explained and that such of-
7 fender understands such duties and such proce-
8 dure.

9 (3) REQUIREMENTS RELATING TO FORM.—The
10 form required by paragraphs (1)(B) and (2)(B) shall
11 be maintained by the entity that maintains the sex
12 offender registry in the jurisdiction in which the sex
13 offender was convicted.

14 (f) PROCEDURES WITH RESPECT TO SEX OFFEND-
15 ERS WHO REGULARLY TRANSIT ACROSS THE UNITED
16 STATES BORDERS.—

17 (1) IN GENERAL.—Not later than one year
18 after the date of the enactment of this Act, the Sec-
19 retary of Homeland Security shall establish a system
20 for identifying and monitoring, as appropriate and
21 in accordance with the purposes of this Act, sex of-
22 fenders who, for legitimate business, personal, or
23 other reasons regularly transit across the border be-
24 tween the United States and Mexico or the border
25 between the United States and Canada.

1 (2) REPORT.—Not later than the date of the
2 establishment of the border system pursuant to
3 paragraph (1), the Secretary of Homeland Security
4 shall transmit to the appropriate congressional com-
5 mittees a report on the implementation of such sys-
6 tem.

7 **SEC. 5. FOREIGN REGISTRATION REQUIREMENT FOR SEX**
8 **OFFENDERS.**

9 (a) IN GENERAL.—Not later than 395 days after the
10 date of the enactment of this Act, a designated United
11 States diplomatic or consular mission in each foreign
12 country shall establish and maintain a countrywide non-
13 public sex offender registry for sex offenders (as defined
14 in section 3(8)) who are United States citizens or aliens
15 lawfully admitted to the United States for permanent resi-
16 dence who remain in such country for the time period
17 specified in subsection (b). Such registry shall include the
18 information specified in subsection (d).

19 (b) INTERNATIONAL REGISTRY REQUIREMENT FOR
20 SEX OFFENDERS.—

21 (1) IN GENERAL.—A sex offender who is a
22 United States citizen or alien lawfully admitted to
23 the United States for permanent residence—

24 (A) who remains in a foreign country for
25 more than 30 consecutive days; or

1 (B) who remains in a foreign country for
2 more than 30 days within a 6-month period,
3 shall register, and keep such registration current, at
4 the designated United States diplomatic or consular
5 mission in such country.

6 (2) PERIOD OF REGISTRATION REQUIRE-
7 MENT.—The registration requirement specified in
8 paragraph (1) shall—

9 (A) begin when the sex offender registry
10 has been established at the designated diplo-
11 matic or consular mission in the country in
12 which a sex offender is staying and such sex of-
13 fender has received notice of the requirement to
14 register pursuant to this section; and

15 (B) end on the sooner of—

16 (i) such time as the sex offender de-
17 parts such country and has provided notice
18 of all changes of information in the sex of-
19 fender registry as required under para-
20 graph (3);

21 (ii) in the case of a conviction in the
22 United States, such time has elapsed as
23 the sex offender would have otherwise been
24 required to register in the jurisdiction of
25 conviction for the applicable sex offense; or

1 (iii) in the case of a foreign convic-
2 tion, such time as the sex offender would
3 have otherwise been required to register
4 under section 115 of the Sex Offender
5 Registration and Notification Act (42
6 U.S.C. 16915) for the applicable sex of-
7 fense.

8 (3) KEEPING THE REGISTRATION CURRENT.—
9 Subject to the period of registration requirement
10 under paragraph (2), not later than five business
11 days after each change of name, residence, or em-
12 ployment or student status, or any change in any of
13 the other information specified in subsection (d)(1),
14 a sex offender residing in a foreign country shall no-
15 tify a United States diplomatic or consular mission
16 in such country for the purpose of providing infor-
17 mation relating to such change for inclusion in the
18 sex offender registry maintained by the designated
19 diplomatic or consular mission in such country
20 under subsection (a). If the diplomatic or consular
21 mission is not the mission that maintains the reg-
22 istry in that country, the mission shall forward the
23 changed information to the appropriate diplomatic
24 or consular mission.

1 (4) REGISTRATION AND NOTIFICATION PROCE-
2 DURE.—Not later than one year after the date of
3 the enactment of this Act, the Secretary of State, in
4 consultation with the Attorney General and the Sec-
5 retary of Homeland Security, shall issue regulations
6 for the establishment and maintenance of the reg-
7 istries described in subsection (a), including—

8 (A) the manner in which sex offenders who
9 are convicted in a foreign country of a sex of-
10 fense, whose conviction and presence in the for-
11 eign country are known by the United States
12 Government, and who are required to register
13 pursuant to United States law, including this
14 Act, will be notified of such requirement;

15 (B) the manner for registering and chang-
16 ing information as specified in paragraphs (1)
17 and (3);

18 (C) the manner for disclosing information
19 to eligible entities as specified in subsection
20 (h)(2); and

21 (D) a mechanism by which individuals list-
22 ed on the sex offender registry can notify the
23 diplomatic or consular mission of any errors
24 with respect to such listing and by which the
25 Department of State shall correct such errors.

1 (c) CROSS REFERENCE FOR CRIMINAL PENALTIES
2 FOR NONREGISTRATION.—Criminal penalties for nonreg-
3 istration are provided in section 2250(d) of title 18,
4 United States Code, which was added by section 4(d)(1)
5 of this Act.

6 (d) INFORMATION REQUIRED IN REGISTRATION.—

7 (1) PROVIDED BY THE SEX OFFENDER.—A sex
8 offender described in subsection (b) shall provide the
9 following information:

10 (A) Name (including any alias).

11 (B) Passport or passport card, and visa
12 type and number, if applicable.

13 (C) Alien registration number, where appli-
14 cable.

15 (D) Social Security number of the sex of-
16 fender.

17 (E) Address of each residence at which the
18 sex offender resides or will reside in that coun-
19 try and the address of any residence maintained
20 in the United States.

21 (F) Purpose for the sex offender's resi-
22 dence in the country.

23 (G) Name and address of any place where
24 the sex offender is an employee or will be or has

1 applied to be an employee and will have regular
2 contact with minors.

3 (H) Name and address of any place where
4 the sex offender is a student or will be or has
5 applied to be a student and will have regular
6 contact with minors.

7 (I) All e-mail addresses.

8 (J) Most recent address in the United
9 States and State of legal residence.

10 (K) The jurisdiction in which the sex of-
11 fender was convicted and the jurisdiction or ju-
12 risdictions in which the sex offender was most
13 recently legally required to register.

14 (L) The license plate number and a de-
15 scription of any vehicle owned or operated by
16 the sex offender.

17 (M) The date or approximate date when
18 the sex offender plans to leave the country.

19 (N) Any other information required by the
20 Secretary of State.

21 (2) PROVIDED BY THE ATTORNEY GENERAL
22 AND THE JURISDICTION OF CONVICTION.—

23 (A) IN GENERAL.—The United States dip-
24 lomatic or consular mission shall notify the At-
25 torney General that a sex offender is registering

1 with such mission pursuant to subsection (b).
2 Upon receipt of such notice, the Attorney Gen-
3 eral shall obtain the information specified in
4 subparagraph (C) and transmit it to the mis-
5 sion within 15 business days.

6 (B) INFORMATION PROVIDED BY THE JU-
7 RISDICTION OF CONVICTION.—If the only avail-
8 able source for any of the information specified
9 in subparagraph (C) is the jurisdiction in which
10 the conviction of the sex offender occurred, the
11 Attorney General shall request such information
12 from the jurisdiction of conviction. The jurisdic-
13 tion shall provide the information to the Attor-
14 ney General within 15 business days of receipt
15 of the request.

16 (C) INFORMATION.—The information spec-
17 ified in this subparagraph is the following:

18 (i) The sex offense history of the sex
19 offender, including—

20 (I) the text of the provision of
21 law defining the sex offense;

22 (II) the dates of all arrests and
23 convictions related to sex offenses;
24 and

1 (III) the status of parole, proba-
2 tion, or supervised release.

3 (ii) The most recent available photo-
4 graph of the sex offender.

5 (iii) The time period for which the sex
6 offender is required to register pursuant to
7 the law of the jurisdiction of conviction.

8 (3) PROVIDED BY THE DIPLOMATIC OR CON-
9 SULAR MISSION.—The United States diplomatic or
10 consular mission at which a sex offender registers
11 shall collect and include the following information in
12 the registry maintained by such mission:

13 (A) Information provided pursuant to
14 paragraphs (1) and (2).

15 (B) A physical description of the sex of-
16 fender.

17 (C) Any other information required by the
18 Secretary of State.

19 (e) PERIODIC IN PERSON VERIFICATION.—Not less
20 often than every six months, a sex offender who is reg-
21 istered under subsection (b) shall appear in person at a
22 United States diplomatic or consular mission in the coun-
23 try where the sex offender is registered to allow such mis-
24 sion to take a current photograph of the sex offender and
25 to verify the information in the sex offender registry main-

1 tained by the designated diplomatic or consular mission
2 in such country under subsection (a). If such diplomatic
3 or consular mission is not the mission that maintains the
4 registry in such country, such mission shall forward such
5 photograph and information to the appropriate mission.

6 (f) TRANSMISSION OF REGISTRY INFORMATION TO
7 THE ATTORNEY GENERAL.—For the purposes of updating
8 the National Sex Offender Registry and keeping domestic
9 law enforcement informed as to the status of a sex of-
10 fender required to register under this section, when a
11 United States diplomatic or consular mission receives new
12 or changed information about a sex offender pursuant to
13 paragraphs (1) and (3) of subsection (b) for the sex of-
14 fender registry maintained by such mission under sub-
15 section (a), such mission shall, not later than 24 hours
16 or the next business day, whichever is later, after receipt
17 of such new or changed information, transmit to the At-
18 torney General such new or changed information. Not
19 later than 24 hours or the next business day, whichever
20 is later, after the receipt of such new or changed informa-
21 tion, the Attorney General shall transmit such new or
22 changed information to the State of legal residence or the
23 State of last known address, as appropriate, of such sex
24 offender.

1 (g) ACCESS TO REGISTRY INFORMATION BY UNITED
2 STATES LAW ENFORCEMENT.—Federal, State, local, trib-
3 al, and territorial law enforcement shall be afforded access
4 for official purposes to all information on a sex offender
5 registry maintained by a United States diplomatic or con-
6 sular mission pursuant to subsection (a).

7 (h) OTHER ACCESS TO REGISTRY INFORMATION.—

8 (1) IN GENERAL.—Information on a registry es-
9 tablished pursuant to subsection (a) shall not be
10 made available to the general public except as pro-
11 vided in paragraph (2).

12 (2) EXCEPTION FOR ELIGIBLE ENTITIES.—

13 (A) IN GENERAL.—An eligible entity de-
14 scribed in subparagraph (B) may request cer-
15 tain information on the sex offender registry
16 maintained by the United States diplomatic or
17 consular mission in the country where the eligi-
18 ble entity is located, in accordance with this
19 paragraph.

20 (B) ELIGIBLE ENTITIES DESCRIBED.—An
21 eligible entity referred to in subparagraph (A)
22 is—

23 (i) an entity that provides direct serv-
24 ices to minors;

1 (ii) an official law enforcement entity;

2 or

3 (iii) an investigative entity that is af-
4 filiated with an official law enforcement
5 entity for the purpose of investigating a
6 possible sex offense.

7 (C) INFORMATION REQUEST PROCESS.—

8 An eligible entity may request information on
9 the sex offender registry from the United States
10 Government official designated for this purpose
11 by the head of the diplomatic or consular mis-
12 sion in which the sex offender registry is main-
13 tained. The official, in consultation with the
14 head of such diplomatic or consular mission,
15 shall have the sole discretion whether and to
16 what extent to provide information about a par-
17 ticular registered sex offender on the sex of-
18 fender registry as designated in subparagraph
19 (D). Before providing an eligible entity with
20 such information, the official shall first obtain
21 from the eligible entity a written certification
22 that—

23 (i) the eligible entity shall provide ac-
24 cess to the information only to the persons
25 as designated in the certificate who require

1 access to such information for the purpose
2 for which the information is provided;

3 (ii) the information shall be main-
4 tained and used by the eligible entity in a
5 confidential manner for employment or vol-
6 unteer screening or law enforcement pur-
7 poses only, as applicable;

8 (iii) the information may not other-
9 wise be disclosed to the public either by the
10 eligible entity or by the employees of the
11 eligible entity who are provided access; and

12 (iv) the eligible entity shall destroy
13 the information or extract it from any doc-
14 umentation in which it is contained as soon
15 as the information is no longer needed for
16 the use for which it was obtained.

17 (D) INFORMATION TO BE DISCLOSED.—

18 (i) TO SERVICE PROVIDERS.—An eli-
19 gible entity described in paragraph (2)(B)
20 may request necessary and appropriate in-
21 formation on the registry with respect to
22 an individual who is listed on the registry
23 and is applying for or holds a position
24 within the entity that involves contact with
25 children.

1 (ii) TO LAW ENFORCEMENT AND IN-
2 VESTIGATIVE ENTITIES.—An eligible entity
3 described in paragraph (2)(B) may request
4 necessary and appropriate information on
5 the registry that may assist in the inves-
6 tigation of an alleged sex offense against a
7 minor.

8 (E) FEE CHARGE.—The employing agency
9 of the designated official who receives the re-
10 quests for information on the registry may
11 charge eligible entities a reasonable fee for pro-
12 viding information pursuant to this subsection.

13 (F) NOTIFICATION OF POSSIBLE ACCESS
14 TO INFORMATION.—The diplomatic or consular
15 mission that maintains a sex offender registry
16 should make a reasonable effort to notify law
17 enforcement entities and other entities that pro-
18 vide services to children, particularly schools
19 that hire foreign teachers, within the country in
20 which the mission is located of the possibility of
21 limited access to registry information and the
22 process for requesting such information as pro-
23 vided in this subsection.

24 (G) DENIAL OF ACCESS TO INFORMA-
25 TION.—An eligible entity that fails to comply

1 with the certificate provisions specified in sub-
2 paragraph (C) may be denied all future access
3 to information on a sex offender registry at the
4 discretion of the designated official.

5 (i) **ACTIONS TO BE TAKEN IF A SEX OFFENDER**
6 **FAILS TO COMPLY.**—When a United States diplomatic or
7 consular mission determines that a sex offender has failed
8 to comply with the requirements of this section, such mis-
9 sion shall notify the Attorney General and revise the sex
10 offender registry maintained by such mission under sub-
11 section (a) to reflect the nature of such failure.

12 (j) **FEDERAL ASSISTANCE REGARDING VIOLATIONS**
13 **OF REGISTRATION REQUIREMENTS.**—The first sentence
14 of subsection (a) of section 142 of the Sex Offender Reg-
15 istration and Notification Act (Public Law 109–248; 42
16 U.S.C. 16941) is amended by inserting before the period
17 at the end the following: “, including under the Inter-
18 national Megan’s Law of 2010”.

19 **SEC. 6. INTERNATIONAL SEX OFFENDER TRAVEL CENTER.**

20 (a) **ESTABLISHMENT.**—Not later than 90 days after
21 the date of the enactment of this Act, the President shall
22 establish the International Sex Offender Travel Center to
23 carry out the activities specified in subsection (d).

24 (b) **PARTICIPANTS.**—The Center shall include rep-
25 resentatives from the following departments and agencies:

1 (1) The Department of Homeland Security, in-
2 cluding United States Immigration and Customs
3 Enforcement, United States Customs and Border
4 Protection, and the Coast Guard.

5 (2) The Department of State, including the Of-
6 fice to Monitor and Combat Trafficking in Persons,
7 the Bureau of Consular Affairs, the Bureau of Inter-
8 national Narcotics and Law Enforcement Affairs,
9 and the Bureau of Diplomatic Security.

10 (3) The Department of Justice, including the
11 Interpol-United States National Central Bureau, the
12 Federal Bureau of Investigation, the Office of Sex
13 Offender Sentencing, Monitoring, Apprehending,
14 Registering and Tracking, the Criminal Division
15 Child Exploitation and Obscenity Section, and the
16 United States Marshals Service's National Sex Of-
17 fender Targeting Center.

18 (4) Such other officials as may be determined
19 by the President.

20 (c) LEADERSHIP.—The Center shall be headed by the
21 Assistant Secretary of Homeland Security for United
22 States Immigration and Customs Enforcement.

23 (d) ACTIVITIES.—The Center shall carry out the fol-
24 lowing activities:

1 (1) Prior to the implementation of the sex of-
2 fender travel reporting requirement under section 4,
3 cooperate with each jurisdiction to implement the
4 means for transmitting travel reports from that ju-
5 risdiction to the Center.

6 (2) Prior to the implementation of the sex of-
7 fender travel reporting system under section 4, offer
8 to provide training to officials within each jurisdic-
9 tion who will be responsible for implementing any
10 aspect of such system.

11 (3) Establish a means to receive, assess, and re-
12 spond to an inquiry from a sex offender as to wheth-
13 er he or she is required to report international travel
14 pursuant to this Act.

15 (4) Conduct assessments of sex offender travel
16 pursuant to section 7.

17 (5) Establish a panel to review and respond
18 within seven days to appeals from sex offenders who
19 are determined to be high interest registered sex of-
20 fenders. The panel shall consist of individuals who
21 are not involved in the initial assessment of high in-
22 terest registered sex offenders, and shall be from the
23 following agencies:

24 (A) The Department of Justice.

25 (B) The Department of State.

1 (C) The Office for Civil Rights and Civil
2 Liberties of the Department of Homeland Secu-
3 rity.

4 (6) Transmit notice of impending or current
5 international travel of high interest registered sex of-
6 fenders to the Secretary of State, together with an
7 advisory regarding whether or not the period of va-
8 lidity of the passport or passport card of the high
9 interest registered sex offender should be limited to
10 one year or such period of time as the Secretary of
11 State shall determine appropriate.

12 (7) Establish a system to maintain and archive
13 all relevant information related to the assessments
14 conducted pursuant to paragraph (4) and the review
15 of appeals conducted by the panel established pursu-
16 ant to paragraph (5).

17 (8) Establish an annual review process to en-
18 sure that the Center Sex Offender Travel Guidelines
19 issued pursuant to section 7(a) are being consist-
20 ently and appropriately implemented.

21 (9) Establish a means to identify sex offenders
22 who have not reported travel as required under sec-
23 tion 4 and who are initiating travel, currently trav-
24 eling, or have traveled outside the United States.

1 (e) ADDITIONAL ACTIVITY RELATED TO TRANS-
2 MISSION OF NOTICE.—The Center may, in its sole discre-
3 tion, transmit notice of impending or current international
4 travel of high interest registered sex offenders to the coun-
5 try or countries of destination of such sex offenders as
6 follows:

7 (1) If a high interest registered sex offender
8 submits an appeal to the panel established pursuant
9 to subsection (d)(5), no notice may be transmitted
10 to the destination country prior to the completion of
11 the appeal review process, including transmission of
12 the panel’s decision to the sex offender.

13 (2) The notice may be transmitted through
14 such means as determined appropriate by the Cen-
15 ter, including through an ICE attaché, INTERPOL,
16 or such other appropriate means as determined by
17 the Center.

18 (3) If the Center has reason to believe that
19 transmission of the notice poses a risk to the life or
20 well-being of the high interest registered sex of-
21 fender, the Center shall make every reasonable effort
22 to issue a warning to the high interest registered sex
23 offender of such risk prior to the transmission of
24 such notice to the country or countries.

1 (f) CONSULTATIONS.—The Center shall engage in on-
2 going consultations with—

3 (1) NCMEC, ECPAT–USA, Inc., World Vision,
4 and other nongovernmental organizations that have
5 experience and expertise in identifying and pre-
6 venting child sex tourism and rescuing and rehabili-
7 tating minor victims of international sexual exploi-
8 tation;

9 (2) the governments of countries interested in
10 cooperating in the creation of an international sex
11 offender travel notification system or that are pri-
12 mary destination or source countries for inter-
13 national sex tourism; and

14 (3) Internet service and software providers re-
15 garding available and potential technology to facili-
16 tate the implementation of an international sex of-
17 fender travel notification system, both in the United
18 States and in other countries.

19 (g) TECHNICAL ASSISTANCE.—The Secretary of
20 Homeland Security and the Secretary of State may pro-
21 vide technical assistance to foreign authorities in order to
22 enable such authorities to participate more effectively in
23 the notification program system established under this
24 section.

1 **SEC. 7. CENTER SEX OFFENDER TRAVEL GUIDELINES.**

2 (a) ISSUANCE OF CENTER SEX OFFENDER TRAVEL
3 GUIDELINES.—Not later than 180 days after the date of
4 the enactment of this Act, the Center shall issue the Cen-
5 ter Sex Offender Travel Guidelines for the assessment of
6 sex offenders—

7 (1) who report international travel from the
8 United States to another country pursuant to sec-
9 tion 4(a), or

10 (2) whose travel is reported pursuant to sub-
11 section (b),

12 for purposes of determining whether such sex offenders
13 are considered high interest registered sex offenders by
14 United States law enforcement.

15 (b) LAW ENFORCEMENT NOTIFICATION.—

16 (1) IN GENERAL.—Federal, State, local, tribal,
17 or territorial law enforcement entities or officials
18 from within the United States who have reasonable
19 grounds to believe that a sex offender is traveling
20 outside the United States and may engage in a sex
21 offense against a minor may notify the Center and
22 provide as much information as practicable in ac-
23 cordance with section 4(b)(2).

24 (2) NOTICE TO LAW ENFORCEMENT ENTI-
25 TIES.—Not later than 425 days after the date of the
26 enactment of this Act, the Center shall provide no-

1 tice to all known, official law enforcement entities
2 within the United States of the possibility of noti-
3 fying the Center of anticipated international travel
4 by a sex offender pursuant to paragraph (1).

5 (c) TRAVEL REPORT RECEIPT CONFIRMATION.—

6 (1) IN GENERAL.—Not later than seven days
7 before the date of departure indicated in the sex of-
8 fender travel report, the Center shall provide the sex
9 offender with written confirmation of receipt of the
10 travel report. The written communication shall in-
11 clude the following information:

12 (A) The sex offender should have the writ-
13 ten communication in his or her possession at
14 the time of departure from or return to the
15 United States.

16 (B) The written communication is suffi-
17 cient proof of satisfactory compliance with the
18 travel reporting requirement under this Act if
19 travel is commenced and completed within seven
20 days before or after the dates of travel indi-
21 cated in the travel report.

22 (C) The procedure that the sex offender
23 may follow to request a change, at the sole dis-
24 cretion of the Center, of the time period covered
25 by the written confirmation in the event of an

1 emergency or other unforeseen circumstances
2 that prevent the sex offender from traveling
3 within seven days of the dates specified in the
4 sex offender's travel report.

5 (D) The requirement to register with a
6 United States diplomatic or consular mission if
7 the sex offender remains in a foreign country
8 for more than 30 consecutive days or for more
9 than 30 days within a 6-month period pursuant
10 to section 5.

11 (E) Any additional information that the
12 Center, in its sole discretion, determines nec-
13 essary or appropriate.

14 (2) DEPARTURE FROM THE UNITED STATES.—

15 If the sex offender is traveling from the United
16 States, the written communication shall indicate, in
17 addition to the information specified in paragraph
18 (1), either—

19 (A) that the destination country or coun-
20 tries indicated in the travel report are not being
21 notified of the sex offender's travel; or

22 (B)(i) that such country or countries are
23 being notified that the sex offender is a high in-
24 terest registered sex offender and intends to
25 travel to such countries; and

1 (ii) that a review of such notification is
2 available by the panel established pursuant to
3 section 6(d)(5), together with an explanation of
4 the process for requesting such a review, includ-
5 ing the means for submitting additional infor-
6 mation that may refute the Center’s determina-
7 tion that the sex offender is a high interest reg-
8 istered sex offender.

9 (d) REPORT TO CONGRESS.—Upon the issuance of
10 the Center Sex Offender Travel Guidelines under sub-
11 section (a), the Center shall submit to the appropriate con-
12 gressional committees a report containing the guidelines
13 in a manner consistent with the protection of law enforce-
14 ment-sensitive information.

15 **SEC. 8. AUTHORITY TO RESTRICT PASSPORTS.**

16 (a) IN GENERAL.—The Secretary of State is author-
17 ized to—

18 (1) revoke the passport or passport card of an
19 individual who has been convicted by a court of com-
20 petent jurisdiction in a foreign country of a sex of-
21 fense until such time as the individual returns to the
22 United States and is determined eligible for the
23 reissuance of such passport or passport card, as the
24 case may be; and

1 (2) limit to one year or such period of time as
2 the Secretary of State shall determine appropriate
3 the period of validity of a passport or passport card
4 issued to a high interest registered sex offender.

5 (b) **LIMITATION FOR RETURN TO UNITED STATES.**—
6 Notwithstanding subsection (a), in no case shall a United
7 States citizen be precluded from entering the United
8 States. The Secretary of State may, prior to revocation,
9 limit a previously issued passport or passport card only
10 for return travel to the United States, or may issue a lim-
11 ited passport or passport card that only permits return
12 travel to the United States.

13 **SEC. 9. IMMUNITY FOR GOOD FAITH CONDUCT.**

14 The Federal Government, jurisdictions, political sub-
15 divisions of jurisdictions, and their agencies, officers, em-
16 ployees, and agents shall be immune from liability for good
17 faith conduct under this Act.

18 **SEC. 10. SENSE OF CONGRESS PROVISIONS.**

19 (a) **BILATERAL AGREEMENTS.**—It is the sense of
20 Congress that the President should negotiate memoranda
21 of understanding or other bilateral agreements with for-
22 eign governments to further the purposes of this Act and
23 the amendments made by this Act, including by—

24 (1) establishing systems to receive and transmit
25 notices as required by section 4;

1 (2) requiring Internet service providers and
2 other private companies located in foreign countries
3 to report evidence of child exploitation; and

4 (3) establishing mechanisms for private compa-
5 nies and nongovernmental organizations to report on
6 a voluntary basis suspected child pornography or ex-
7 ploitation to foreign governments, the nearest
8 United States embassy in cases in which a possible
9 United States citizen may be involved, or other ap-
10 propriate entities.

11 (b) MINIMUM AGE OF CONSENT.—In order to better
12 protect children and young adolescents from domestic and
13 international sexual exploitation, it is the sense of Con-
14 gress that the President should strongly encourage those
15 foreign countries that have an age of consent to sexual
16 activity below the age of 16 to raise the age of consent
17 to sexual activity to at least the age of 16 and those coun-
18 tries that do not criminalize the appearance of persons
19 below the age of 18 in pornography or the engagement
20 of persons below the age of 18 in commercial sex trans-
21 actions to prohibit such activity.

22 (c) NOTIFICATION TO THE UNITED STATES OF SEX
23 OFFENSES COMMITTED ABROAD.—It is the sense of Con-
24 gress that the President should formally request foreign
25 governments to notify the United States when a United

1 State citizen has been arrested, convicted, sentenced, or
2 completed a prison sentence for a sex offense against a
3 minor in the foreign country.

4 **SEC. 11. ENHANCING THE MINIMUM STANDARDS FOR THE**
5 **ELIMINATION OF TRAFFICKING.**

6 Section 108(b)(4) of the Trafficking Victims Protec-
7 tion Act of 2000 (22 U.S.C. 7106(b)(4)) is amended by
8 adding at the end before the period the following: “, in-
9 cluding cases involving nationals of that country who are
10 suspected of engaging in severe forms of trafficking of per-
11 sons in another country”.

12 **SEC. 12. SPECIAL REPORT ON INTERNATIONAL MECHA-**
13 **NISMS RELATED TO TRAVELING CHILD SEX**
14 **OFFENDERS.**

15 (a) IN GENERAL.—Not later than one year after the
16 date of the enactment of this Act, the Secretary of State,
17 in consultation with the Attorney General, shall submit to
18 the appropriate congressional committees a report con-
19 taining the following information (to the extent such infor-
20 mation is available from the government concerned or
21 from other reliable sources):

22 (1) A list of those countries that have or could
23 easily acquire the technological capacity to identify
24 sex offenders who reside within the country.

1 (2) A list of those countries identified in para-
2 graph (1) that utilize electronic means to identify
3 and track the current status of sex offenders who re-
4 side within the country, and a summary of any addi-
5 tional information maintained by the government
6 with respect to such sex offenders.

7 (3)(A) A list of those countries identified in
8 paragraph (2) that currently provide, or may be will-
9 ing to provide, information about a sex offender who
10 is traveling internationally to the destination coun-
11 try.

12 (B) With respect to those countries identified in
13 subparagraph (A) that currently notify destination
14 countries that a sex offender is traveling to that
15 country:

16 (i) The manner in which such notice is
17 transmitted.

18 (ii) How many notices are transmitted on
19 average each year, and to which countries.

20 (iii) Whether the sex offenders whose trav-
21 el was so noticed were denied entry to the des-
22 tination country on the basis of such notice.

23 (iv) Details as to how frequently and on
24 what basis notice is provided, such as routinely
25 pursuant to a legal mandate, or by individual

1 law enforcement personnel on a case-by-case
2 basis.

3 (v) How sex offenders are defined for pur-
4 pose of providing notice of travel by such indi-
5 viduals.

6 (vi) What international cooperation or
7 mechanisms currently are unavailable and
8 would make the transmission of such notifica-
9 tions more efficacious in terms of protecting
10 children.

11 (C) With respect to those countries identified in
12 subparagraph (A) that are willing but currently do
13 not provide such information, the reason why des-
14 tination countries are not notified.

15 (4)(A) A list of those countries that have an es-
16 tablished mechanism to receive reports of sex offend-
17 ers intending to travel from other countries to that
18 country.

19 (B) A description of the mechanism identified
20 in subparagraph (A).

21 (C) The number of reports of arriving sex of-
22 fenders received in each of the past 5 years.

23 (D) What international cooperation or mecha-
24 nisms currently are unavailable and would make the

1 receipt of such notifications more efficacious in
2 terms of protecting children.

3 (5) A list of those countries identified in para-
4 graph (4) that do not provide information about a
5 sex offender who is traveling internationally to the
6 destination country, and the reason or reasons for
7 such failure. If the failure is due to a legal prohibi-
8 tion within the country, an explanation of the nature
9 of the legal prohibition and the reason for such pro-
10 hibition.

11 (b) DEFINITION.—In this section, the term “sex of-
12 fender” means an individual who has been convicted of
13 a criminal offense against a minor that involves any of
14 the acts described in clauses (i) through (viii) of section
15 3(9)(A).

16 **SEC. 13. ASSISTANCE TO FOREIGN COUNTRIES TO MEET**
17 **MINIMUM STANDARDS FOR THE ELIMI-**
18 **NATION OF TRAFFICKING.**

19 (a) IN GENERAL.—The President is strongly encour-
20 aged to exercise the authorities of section 134 of the For-
21 eign Assistance Act of 1961 (22 U.S.C. 2152d) to provide
22 assistance to foreign countries directly, or through non-
23 governmental and multilateral organizations, for pro-
24 grams, projects, and activities, including training of law
25 enforcement entities and officials, designed to establish

1 systems to identify sex offenders and provide and receive
2 notification of child sex offender international travel.

3 (b) DEFINITION.—In this section, the term “sex of-
4 fender” means an individual who has been convicted of
5 a criminal offense against a minor that involves any of
6 the acts described in clauses (i) through (viii) of section
7 3(9)(A).

8 **SEC. 14. CONGRESSIONAL REPORTS.**

9 (a) INITIAL CONSULTATIONS.—Not less than 30 days
10 before the completion of the activities required pursuant
11 to sections 4(b), 5(b)(4), 6(a), and 7(a), the entities re-
12 sponsible for the implementation of such sections shall
13 consult with the appropriate congressional committees
14 concerning such implementation.

15 (b) INITIAL REPORT.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the date of the enactment of this Act, the President
18 shall transmit to the appropriate congressional com-
19 mittees a report on the implementation of this Act,
20 including—

21 (A) how the International Sex Offender
22 Travel Center has been established under sec-
23 tion 6(a), including the role and responsibilities
24 of the respective departments and agencies that
25 are participating in the Center, and how those

1 roles are being coordinated to accomplish the
2 purposes of this Act and the amendments made
3 by this Act;

4 (B) the procedures established for imple-
5 menting section 7 regarding the Center Sex Of-
6 fender Travel Guidelines;

7 (C) the rules regarding sex offender travel
8 reports issued pursuant to section 4(b);

9 (D) the establishment of registries at
10 United States diplomatic missions pursuant to
11 section 5, including the number and location of
12 such registries and any difficulties encountered
13 in their establishment or operation;

14 (E) the consultations that are being con-
15 ducted pursuant to section 6(e), and a sum-
16 mary of the discussions that have taken place
17 in the course of those consultations; and

18 (F) what, if any, assistance has been pro-
19 vided pursuant to section 6(f) and section 13.

20 (2) FORM.—The report required under para-
21 graph (1) may be transmitted in whole or in part in
22 classified form if such classification would further
23 the purposes of this Act or the amendments made
24 by this Act.

1 (c) ANNUAL REPORT.—Not later than one year after
2 the date of the enactment of this Act, and every year for
3 4 years thereafter, the President shall transmit to the ap-
4 propriate congressional committees a report on the imple-
5 mentation of this Act and the amendments made by this
6 Act, including—

7 (1)(A) the number of United States sex offend-
8 ers who have reported travel to or from a foreign
9 country pursuant to section 4(a);

10 (B) the number of sex offenders who were iden-
11 tified as having failed to report international travel
12 as required by section 4(a); and

13 (C) the number of those identified in each of
14 subparagraphs (A) and (B) who reported travel or
15 who traveled from the United States without pre-
16 viously reporting and whose travel was noticed to a
17 destination country;

18 (2) the number of United States sex offenders
19 charged, prosecuted, and convicted for failing to re-
20 port travel to or from a foreign country pursuant to
21 section 4(a);

22 (3) the number of sex offenders who were deter-
23 mined to be high interest registered sex offenders by
24 the Center, the number of appeals of such deter-
25 minations received by the panel established pursuant

1 to section 6(d)(5), the length of time between the re-
2 ceipt of each such appeal and transmission of the re-
3 sponse, the extent and nature of any information
4 provided to the sex offender in response to the ap-
5 peal, the reason for withholding any information re-
6 quested by the sex offender, and the number of high
7 interest registered sex offender determinations by
8 the Center that were reversed by the review panel;

9 (4) if ICE charges a fee pursuant to section
10 4(c)—

11 (A) the amount of the fee;

12 (B) a description of the process to collect
13 the fee and to transfer a percentage of the fee
14 to the jurisdiction that processed the report;

15 (C) the percentage of the fee that is being
16 shared with the jurisdictions, the basis for the
17 percentage determination, and which jurisdic-
18 tions received a percentage of the fees;

19 (D) how the revenues from the fee have
20 been expended by ICE; and

21 (E) the fee waiver process established pur-
22 suant to section 4(c)(4), how many fee waiver
23 requests were received, and how many of those
24 received were granted;

1 (5) the results of the annual review process of
2 the use of the Center Sex Offender Guidelines con-
3 ducted pursuant to section 6(d)(6);

4 (6) what immediate actions have been taken, if
5 any, by foreign countries and territories of destina-
6 tion following notification pursuant to section
7 6(d)(3), to the extent such information is available;

8 (7)(A) the number of United States citizens or
9 lawful permanent residents arrested overseas and
10 convicted in the United States for sex offenses, and
11 in each instance—

12 (i) the age of the suspect and the number
13 and age of suspected victims;

14 (ii) the country of arrest;

15 (iii) any prior criminal conviction or re-
16 ported criminal behavior in the United States;

17 (iv) whether the individual was required to
18 and did report pursuant to section 4; and

19 (v) if the individual reported travel pursu-
20 ant to section 4 prior to the commission of the
21 crime, whether the individual was deemed not
22 to be a high interest registered sex offender by
23 the Center; and

24 (B) for purposes of this paragraph, the term
25 “sex offense” means a criminal offense involving

1 sexual conduct against a minor or an adult, includ-
2 ing the activities listed in clauses (i) through (viii)
3 in section 3(9)(A);

4 (8) which countries have been requested to no-
5 tify the United States when a United States citizen
6 has been arrested, convicted, sentenced, or com-
7 pleted a prison sentence for a sex offense in that
8 country, and of those countries so requested, which
9 countries have agreed to do so, through either for-
10 mal or informal agreement;

11 (9) any memoranda of understanding or other
12 bilateral agreements that the United States has ne-
13 gotiated with a foreign government to further the
14 purposes of this Act pursuant to section 10(a); and

15 (10) recommendations as to how the United
16 States can more fully participate in international law
17 enforcement cooperative efforts to combat child sex
18 exploitation.

19 **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

20 To carry out this Act and the amendments made by
21 this Act, there are authorized to be appropriated such
22 sums as may be necessary for each of the fiscal years 2011
23 through 2015.

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